United Nations A/HRC/33/49/Add.4

General Assembly

Distr.: General
14 July 2016

English only

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the human right to safe drinking water and sanitation on his mission to Tajikistan: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on the human right to safe drinking water and sanitation, Leo Heller.

GE.16-12082(E)
1612082

Please recycle

Report of the Special Rapporteur on the human right to safe drinking water and sanitation on his mission to Tajikistan: comments by the State*

1. **On the recommendation of (a)** on the revision of the Water Code in order to promote the human rights to water and sanitation we note that the objectives of the Water Code of the Republic of Tajikistan are the security of the state of water resources and land of the state water fund for the improvement of social conditions of the population and the environment, protection of waters from pollution, clogging, depletion, prevention and elimination of harmful effects of water, improvement and protection of water sites, strengthening of the rule of law and the protection of rights of physical and legal entities in the field of water management.

2. In accordance with the national legislation, water is an exclusive property of the state and the state guarantees its effective use and protection in the interests of the people.

3. Water objects are provided for use as well as for other needs of the population provided with water facilities, whereas water quality complies with the sanitary requirements.

4. Water objects are provided for use in compliance with the legal requirements and conditions for satisfaction of drinking, household, medical, resort, recreational and other needs of the population, agricultural, industrial, energy, transport, fisheries and other public needs, as well as for use at the same time for several purposes.

5. **With regard to recommendation (L)** it should be noted that in order to ensure transparent financial activities of public associations, fulfillment of our country's obligations under the FATF and OECD and obtained recommendations from the UN Treaty bodies August 8, 2015, the Law of the Republic of Tajikistan "On introduction of amendments and additions to the Law of the Republic of Tajikistan "On public associations" was adopted.

6. The mentioned changes and amendments provides for voluntary contributions and donations, grants, property received by the public association of foreign states and international organizations in the special register of humanitarian assistance of the registering authority. Maintenance of the Register carries out by registration authority on the basis of notifications from public associations. Public association only notices and is not obliged to wait for the inclusion of information in the Register.

7. Amendments to the Act in any case is not aimed at "financial restrictions" and aim to ensure transparency of activities of public associations, as well as the fulfillment of international obligations of the Republic.

8. These amendments in no way limit the rights of public associations for an open discussion of policy and the needs of the population regarding access to water, hygiene and sanitation.

9. Moreover, public associations as part of its statutory activity and legislation have the right to discuss and participate directly in the implementation of measures aimed at providing the population with water, hygiene and sanitation through the implementation of projects and programs with the involvement of "foreign financing" and cooperate in this direction with the state authorities.

10. Based on this, the changes and amendments to the Law "On public associations" envisage only notification of the authorized body in regard to involvement of "foreign funding" and in no case weaken civil society organizations, as it is stated in the

* Reproduced as received.

recommendations of the special rapporteur of the UN. These changes and amendments do not limit the activities, the amount of attracting of "foreign funding" as well as the scope of the rights and obligations of public associations provided in the bylaws, legislation and the international acts recognized by Tajikistan.

11. In view of the above, do not support the recommendation of the UN special rapporteur for the revision of the changes to the Law "On public associations".

12. **In regard to recommendation (o)** we note that the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights provides only for recognition of the competence of the UN Committee on Economic, Social and Cultural Rights to deal with individual complaints.

13. It should be noted that in the first and second cycle of the UPR, as well as in the presentation of the National Report on the implementation of the International Covenant on Economic, Social and Cultural Rights a number of recommendations concerning the accession to the above Optional Protocol have been presented to Republic of Tajikistan.

14. Currently, the question of accession to the above Optional Protocol is considered as part of national plans for the implementation of international obligations in the field of human rights.